



SIXTH DRAFT EDITION
CASE STUDIES, READINGS AND MATERIALS
ON
PUBLIC POLICY FORMATION

HON. DONALD S. MACDONALD
J. ROBERT S. PRICHARD
MARSHA A. CHANDLER

FACULTY OF LAW
UNIVERSITY OF TORONTO

VOLUME I
JANUARY, 1985

THESE MATERIALS HAVE BEEN PREPARED FOR THE EXCLUSIVE USE
OF STUDENTS AT THE FACULTY OF LAW, UNIVERSITY OF TORONTO.

LAW LIBRARY

JAN 14 1985

RECEIVED

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

SIXTH DRAFT EDITION
CASE STUDIES, READINGS AND MATERIALS
ON
PUBLIC POLICY FORMATION

HON. DONALD S. MACDONALD
J. ROBERT S. PRICHARD
MARSHA A. CHANDLER

FACULTY OF LAW
UNIVERSITY OF TORONTO

VOLUME I
JANUARY, 1985


THESE MATERIALS HAVE BEEN PREPARED FOR THE EXCLUSIVE USE
OF STUDENTS AT THE FACULTY OF LAW, UNIVERSITY OF TORONTO.

Preface to 1985 Edition

The 1984-85 edition comprises an introductory analytical section, four case studies and a section on policy evaluation. The case studies are:

- 1) The Denison Case
- 2) The Inflation Case
- 3) The Multilateral Trade Negotiations
- 4) The Bailout Case

We will spend between two and three weeks on each case. The object in each instance is to use the particular material to illustrate a number of general issues and analytical concerns.



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

<https://archive.org/details/casestudiesreadi01macd>

I. LAW AND PUBLIC POLICY

PAGE

A. Required Readings:

1. Yehezkel Dror, Ventures in Policy Sciences, Concepts and Applications (1971), p. 167. I-1
2. Harry W. Jones, "Law and Politics" in Malcolm B. Parsons (ed.), Perspectives on the Study of Politics (1968), pp. 63-4, 66-7. I-2
3. Ernest Jones, "Law, Political Science, and Policy Studies" in Stuart S. Nagel (ed.), Policy Studies and the Social Sciences (1975), pp. 245-6. I-3

B. Further Readings:

1. Yehezkel Dror, Ventures in Policy Sciences, Concepts and Applications (1971), chap. 16.
2. Michael Reisman, "A Theory about Law from the Policy Perspective" in David N. Weisstub (ed.), Law and Policy (1976), pp. 75-122.

II. THE STUDY OF PUBLIC POLICY

A. Required Readings:

1. Richard Simeon, "Studying Public Policy", (1976) 9 Canadian Journal of Political Science, pp. 555-80. II-1
2. M.J. Trebilcock et al. 'The Choice of Governing Instrument' pp. 1-35 II-23
3. C. Tuohy - "Regulation and Scientific Complexity" Osgoode Hall Law Journal (1982) pp. 562-609 II-51
4. W. Jenkins, Policy Analysis (1980), pp. 93-102. II-74
5. Douglas, G. Hartle, Public Policy Decision-Making and Regulation (1978), pp. 213-216

B. Further Readings

1. Hugh Heclo, "Review Article: Policy Analysis", (1972) 2 British Journal of Political Science, pp. 83-108.
2. Richard Rose, "Comparing Public Policy: An Overview", (1973) 1 European Journal of Political Research, pp. 67-94.

3. V. Seymour Wilson, "Some Perspectives on Public Policy Analysis" in John H. Redekop (ed.), Approaches to Canadian Politics (1978), pp. 247-279
4. Theodore M. Benditt, "The Public Interest" (1973), 2 Philosophy and Public Affairs 291.
5. Clarke E. Cochran, "Political Science and 'The Public Interest'" (1974), 36 Journal of Politics 327.
6. Anthony Downs, "The Public Interests: Its Meaning in a Democracy" (1962), 29 Social Research 1.
7. Richard E. Flathman, The Public Interest (1966)
8. Carl E. Friedrich (ed.), The Public Interest (1962)
9. Virginia Held, The Public Interest and Individual Interests (1970)
10. E. Pendleton Herring, Public Administration and the Public Interest (1936)
11. Glendon Schubert, The Public Interest (1960)

III. BACKGROUND DOCUMENT

PAGE

1. The Denison Case: The Uranium Ownership Legislation, March, 1970

III-1

PRIMARY DOCUMENTS

A. Required Readings:

1. Statement of the Prime Minister to the House, 8:15 p.m. March 2, 1970. III-27
2. Statement of Hon. J.J. Greene, Minister of Energy, Mines and Resources to the House, March 19, 1970. III-28
3. Statement of Hon. J.J. Greene, Minister of Energy, Mines and Resources to the House, May 5, 1970. III-32
4. Press Release of Hon. J.J. Greene, Minister of Energy, Mines and Resources, September 18, 1970. III-34

	PAGE
5. <u>Denison Mines v. A.-G.Can.</u> (unreported, December 19, 1972), (S.C.O.).	III-57
6. <u>Roman Corp v. Hudson's Bay Oil and Gas, Trudeau and Green</u> (1973), 36 D.L.R. (3d) 413 (S.C.C.)	III-46
7. <u>Roman Corp. v. Minister of Energy, Mines and Resources and Atomic Energy Control Board</u> (unreported, August 17, 1973) (S.C.O.)	III-54
8. <u>Atomic Energy Control Act</u> , R.S.C. 1970, c. A-19 (as amended), ss. 2 "atomic energy", "prescribed substance", 3. (1), 9, 10(1), 17.	III-55
9. News Release of the Department of Energy, Mines and Resources, June 29, 1978	III-56
10. Bill C-64, Uranium and Thorium Mining Review Act, 1st Reading June 29, 1978, ss. 2(1) "Agency", "company", "maximum percentage", "Minister", "non-resident", 2(2), 4, 5(1), 6, 7, 10, 11, 12, 13, 15(1), 17(1), (2) (3) (4) (5), 18 (1) (2) (3), 30.	III-59
11. Comment	

RELATED READINGS

A. Required Readings:

1. R. W. Phidd and G. Bruce Doern, <u>The Politics and Management of Canadian Economic Policy</u> (1978), pp. 78-95	III-66
2. Michael Pitfield, "The Shape of Government in the 1980's: Techniques and Instruments for Policy Formulation at the Federal Level" in Hockin, <u>Apex of Power</u> (2nd, 1977) pp. 54-63	III-81
3. William T. Stanbury and Jane Fulton, "Suasion as a Governing Instrument," in G.B. Doern <u>How Ottawa Spends</u> , (1983) pp. 282-301	III-86
4. Richard Van Loon, "The Policy and Expenditure Management System in the Federal Government: the First Three Years," (1983) <u>Canadian Public Administration</u> , pp. 255-285, as edited.	III-104
5. Bruce Little, "Who's Out and Who's Got Clout in Cabinet," <u>The Globe and Mail</u> , 3 November 1984, p. B1.	III-129
6. J. Gillies, <u>Why Business Fails</u> (1981), pp. 83-109	III-132

7. R. J. Jackson and M. Atkinson, The Canadian Legislative System (1974) pp. 62-71 III-157
8. Giles Gherson, "FIRA Set to Break Out of Investment Chains," The Financial Post, 8 Dec. 1984, pp. 1-2. III-165

B. Further Readings

1. G. Bruce Doern and P. Aucoin, Public Policy in Canada (1979)
2. R.J. Van Loon and M.S. Whittington, The Canadian Political System (3rd, 1981).
3. Colin Campbell and Geroge J. Szablowski, The Super-Bureaucrats: Structure and Behaviour in Central Agencies (1979)
4. G. Bruce Doern and V.S. Wilson, Issues in Canadian Public Policy (1974)
5. R.J. Jackson and M.M. Atkinson, The Canadian Legislative System (1975)
6. T. Hockin, "The Prime Minister and Political Leadership: An Introduction to Some Restraints and Imperatives" in Hockin, Apex of Power (2nd, 1977) pp. 2-21.
7. G. Bruce Doern, "The Policy-making Philosophy of Prime Minister Trudeau and His Advisers" in Hockin, Apex of Power (2nd, 1977)
8. R.M. Punnett, The Prime Minister in Canadian Government and Politics (1977), (particularly pp. 71-85).

IV. <u>THE ANTI-INFLATION CASE STUDY</u>	PAGE
I. BACKGROUND DOCUMENT	IV-1
1. The Inflation Outlook, September, 1975	IV-3
II. <u>PRIMARY DOCUMENTS</u>	IV-23

A. Required Readings:

1. Speech from the Throne, September 30, 1974.	IV-23
2. <u>Proposals for the First Year of Consensus</u> , Working Paper tabled in the House of Commons by the Hon. John Turner, Minister of Finance, May 8, 1975.	IV-24
3. Statement of Hon. John Turner, Minister of Finance to the House, May 14, 1975.	IV-40
4. Budget Speech of Hon. John Turner, Minister of Finance, June 23, 1975.	IV-43
5. Address of the Prime Minister on National Television and Radio, October 13, 1975.	IV-46
6. <u>Attack on Inflation</u> , Policy Statement tabled in the House of Commons by the Hon. Donald S. Macdonald, Minister of Finance, October 14, 1975 pp. 1-4, 12-25.	IV-56
7. <u>Anti-Inflation Act</u> , S.C. 1974-75, c. 75 as amended S.C. 1974-75, c. 98, excerpts.	IV-71
8. <u>Federal-Provincial Agreement on the Anti-Inflation Program -- Ontario</u> , January 13, 1976.	IV-86
9. <u>Memorandum of Agreement between the Government of Canada and Quebec</u> , March 4, 1976.	IV-90
10. <u>Reference re Anti-Inflation Act</u> , (1976), 68 D.L.R. (3d) 452 (S.C.C.), excerpts.	IV-93
11. <u>Gallup Poll Reports</u> , public opinion on inflation and the Anti-Inflation Programme.	IV-104

12.	<u>Ending Controls:</u>	PAGE
A.	"New post controls agency is needed", <u>Toronto Star</u> , July 10, 1978.	IV-113
B.	John Honderich, "New inflation agency called election gimmick," <u>Toronto Star</u> , March 6, 1979.	IV-114
C.	"Inflation body axed by Tories," <u>Globe and Mail</u> , July 26, 1979.	IV-115
D.	Anti-Inflation Board, News Release, August 8, 1979.	IV-117
13.	Wage and Price Restraints in the 1980's. Material to be distributed.	
A.	<u>Required Readings:</u>	
1.	Richard Lipsey, "Wage-Price Controls: How to do a lot of harm by trying to do a little good" (1977) 3 <u>Canadian Public Policy</u> , pp.2-4, 5-12.	IV-119
2.	George Radwanski, <u>Trudeau</u> (1978), pp.294-302.	IV-128
3.	J. Goldthorpe "The Current Inflation: Toward a Sociological Account" in Hirsch and Goldthorpe <u>The Political Economy of Inflation</u>	IV-135
4.	R. French, <u>How Ottawa Decides</u> (1980), pp. 27-32	IV-137
5.	Richard W. Phidd and G. Bruce Doern, <u>The Politics and Management of Canadian Economic Policy</u> (1978), pp. 229, 120-123, 142-143	IV-143
6.	Bruce Little, "Finance Reclaims Power Broker Rank," <u>The Globe and Mail</u> , 30 November 1984, pp. B1, B3	IV-148
7.	Kenneth Kernaghan, "Responsible Public Bureaucracy" (1973) 16 <u>Canadian Public Administration</u> , pp. 588-590, 581-586 590-603, as edited	IV-150
8.	Graham T. Allison "Conceptual Modes1 and the Cuban Missile Crisis Crisis," (1969) 63 <u>The American Political Science Review</u> , 689-717, as edited.	IV-160
9.	Peter Russell, "The Anti-Inflation Case: The Anatomy of a Constitutional Decision," (1977) 20 <u>Canadian Public Administration</u> , pp. 632-665, as edited	IV-179
10.	Peter Russell, "The Supreme Court and Federal-Provincial Relations: The Political Use of Legal Resources," <u>Canadian Public Policy</u> , forthcoming.	IV-194
11.	Conrad Winn and John McMenemy, <u>Political Parties in Canada</u> (1976), pp. 129-137, as edited.	IV-213

12. Frederick J. Fletcher, "The Prime Minister, The Press and The Public: The Case of the Anti-Inflation Program" (1976) 83 Queen's Quarterly pp. 75-83 IV-219
13. Douglas G. Hartle, Public Policy Decision-making and Regulation (1979), pp. 82-83 IV-227

B. Further Readings

1. Sylvia Ostry and Paul Weiler, "Industrial Relations after Wage and Price Control: Panel Discussion" (1978), 4 Public Policy 425-430, 433-442.
2. D.A.L. Auld, L.N. Christofides, R. Swidinsky, D.A. Wilton, "The Impact of the Anti-Inflation Board on Negotiated Wage Settlements" (1979), 12 Canadian Journal of Economics 195-197, 209-210.
3. Frank Reid, "The Effect of Controls on the Rate of Wage Change in Canada" (1979), 12 Canadian Journal of Economics 214-215, 222-225.
4. Frank J. Reid, "Canadian Wage and Price Controls", (1976) 2 Canadian Public Policy, pp. 103-113.
5. Christopher Green, "Recent Inflation: Its Causes and Implications for Public Policy", (1976) 2 Canadian Public Policy, pp. 42-53.
6. Richard Lipsey, Economic Appendix to Factum of the Canadian Labour Congress, Anti-Inflation Act Reference.
7. R.D. Brown et al. (eds.), Canadian Price and Income Controls (1976).
8. W.D. Wood and P. Kumar (eds.), Canadian Perspectives on Wage-Price Guidelines, A Book of Readings (1976).
9. Michael Walker (ed.), The Illusions of Wage and Price Controls (1976).
10. Donald Smiley,, "The Non-Economics of Anti-Inflation" in K.J. Rea and J.T. McLeod (eds.), Business and Government in Canada (2d, 1976), pp. 444-448,
11. Richard Rohmer, "Wage-Price Controls and the Road to Anarchy" in K.J. Rea and J.T. McLeod (eds.), Business and Government in Canada (2d, 1976), pp. 440-443.
12. Peter W. Hogg, "Proof of Facts in Constitutional Cases, (1977) 26 University of Toronto Law Journal.

13. D. Good, The Politics of Anticipation (1979).
14. Hugh Helco and Aaron Wildavsky, The Private Government of Public Money (1974), pp. 129-196
15. Edwin R. Black, "Canadian Public Policy and the Mass Media" (1968) 1 Canadian Journal of Economics, pp. 368-379
16. Prime Minister Trudeau, "Reflections on the Economy" in K.J. Rea and J.T. McLeod (eds.), Business and Government in Canada, Selected Readings (2d, 1976), pp. 449-454.
17. Douglas G. Hartle, "On Prophets and Power: A Comment on the Prime Minister's Revelations" (1976) 2 Canadian Public Policy, pp. 249-256.
18. T. Joseph Scanlon, "How Government Uses the Media" in G. Stuart Adam (ed.), Journalism, Communication and the Law (1976), pp. 70-85.
19. Carman Cumming, "The Canadian Press: A Force for Consensus?" in G. Stuart Adam (ed.), Journalism, Communication and the Law (1976), pp. 86-103.
20. James C. Strouse, The Mass Media, Public Opinion, and Public Policy (1975).
21. George C. Edwards and Ira Sharkansky, The Policy Predicament (1978), pp. 17-83.

V.. THE MULTILATERAL TRADE NEGOTIATIONS CASE STUDY

PAGE

I. BACKGROUND DOCUMENT

V-3

1. Multilateral Trade Negotiations, September, 1977.

II. PRIMARY DOCUMENTS

V-18

A. Required Readings:

1. The General Agreement on Tariffs and Trade, 1969, preamble, Art. I, II, III, IV, XI, XVII, XIX, XXIII. V-18
2. Declaration of Ministers Approved at Tokyo, September 14, 1973. V-28
3. Government of Canada, Multilateral Trade Negotiations, 1973-79, pp. 4-5. V-32
4. GATT Membership V-34

5. News Release of the Department of Industry, Trade and Commerce, November 15, 1973. V-37
6. Press Release of the Prime Minister's Office, May 5, 1977. V-45
7. Canadian Trade and Tariffs Committee, Summary Report on Activities Concerning the Private Sector, 15 November, 1973 -- 30 November, 1977. V-46
8. Canadian Trade and Tariffs Committee, Multilateral Trade Negotiations Situation Report as of December 1, 1977. V-49
9. News Release of the Office of the Coordinator Multilateral Trade Negotiation, January 19, 1978. V-56
10. Economic Council of Canada, Looking Outward: A New Strategy for Canada (1975), pp. 185-191. V-66
11. Report of the Special Task Force on the Textile and Clothing Industry, Toronto Star, July 8, 1978. V-71
12. "Howe Research study asks re-examination of textiles industry", Globe and Mail, July 11, 1978. V-73

READINGS

Required Readings:

1. Ronald J. Wonnacott, Canada's Trade Options (1975), p. xvi. V-74
2. Ronald J. Wonnacott, Canada's Trade Options (1975), pp. 3-12.
3. Economic Council of Canada, Looking Outward: A New Strategy for Canada (1975), pp. 40-46. V-82
4. Economic Council of Canada; Looking Outward: A New Strategy for Canada (1975), pp. 134-137. V-88
5. Economic Council of Canada, Looking Outward: A New Strategy for Canada (1975), pp. 86-90. V-91
6. Office of the Coordinator, Multilateral Trade Negotiations, "Notes for an address by Ambassador J.H. Warren, Canadian Coordinator for the Multilateral Trade Negotiations, to the International Institute of Synthetic Rubber Producers, Vancouver" (May 1979), as edited. V-95

7. Office of the Coordinator, Multilateral Trade Negotiations, "Notes for an address by Ambassador J.H. Warren, Canadian Coordinator for the Multilateral Trade Negotiations, to the Canadian Textile Institute" (June 1979), as edited. V-101
8. Office of the Coordinator, Multilateral Trade Negotiations, "Notes for an address by Ambassador J.H. Warren, Canadian Coordinator for the Multilateral Trade Negotiations to the Canadian Manufacturers Association, Toronto" (August 1979), as edited. V-108
9. Government of Canada, Multilateral Trade Negotiations, 1973-79, pp. 97-99, 111-112. V-112
10. James Rusk, "Experts get new challenge from tariff cuts, Globe and Mail, July 14, 1979, p. B1. V-116
11. Gilbert R. Winham, "Managing Change in the Canadian Policy Process: The Case of MTN", Paper presented at the Annual Meeting of the Canadian Political Science Association, 1978 pp. 1-22 V-119
12. Gilbert R. Winham, "Negotiation as a Management Process" (1977) 30 World Politics, pp. 87-114, as edited V-141
13. K.R. Nossal, "Allison Through the (Ottawa) Looking Glass: Bureaucratic Politics and Foreign Policy in a Parliamentary System, Canadian Public Administration 22 (Winter 1979), 610-26 (TO BE DISTRIBUTED IN CLASS) V-???
14. Richard Simeon, "The Federal-Provincial Decision-Making Process" in Ontario Economic Council, Intergovernmental Relations (1977), pp. 25-38, as edited. V-158
15. Peter Aucoin and Herman Bakvis, "Regional Responsiveness and the Organization of the Government of Canada", 1984 research paper, as edited. V-167

Further Readings

1. Clarence L. Barber, "Look Outward: A New Trade Strategy for Canada, A Comment", (1976) 2 Canadian Public Policy, pp. 113-119.
2. R.J. Wonnacott, "Canada's Future in a World of Trade Blocs: A Proposal" (1975) 1 Canadian Public Policy, pp. 118-130.
3. Maurice Archer, Canada's Economic Problems and Politics (1975).

4. Thomas L. Powrie and Bruce W. Wilkinson, "Canadian Trade Patterns and Commercial Policy" in Lawrence H. Officer and L.B. Smith (eds.), Issues in Canadian Economics (1974), pp. 56-68.
5. J.R. Melvin, The Tax Structure and Canadian Trade (1975).
6. Klaus Stegemann, Canadian Non-Tariff Barriers to Trade (1973).
7. Harry G. Johnson and Stanley D. Metzger (eds.), International Negotiations on Non-Tariff Barriers to Trade (1973).
8. C. Fred Bergsten, Completing the GATT: Toward New International Rules to Govern Export Controls (1974).
9. Sidney Golt, The GATT Negotiations, 1973-75: A Guide to the Issues (1974).
10. Kenneth W. Dam, The GATT (1970).

B. Further Readings

1. Richard Simeon, "Regionalism and Canadian Political Institutions" (1976) 82 Queen's Quarterly, pp. 499-511.
2. Richard Simeon and David Elkins, "Regional Political Cultures in Canada" (1974) 7 Canadian Journal of Political Science, pp. 397-437.
3. Donald V. Smiley, "The Structural Problem of Canadian Federalism" in Paul Fox (ed.), Politics: Canada (4th, 1977), pp. 52-64.
4. J.E. Hodgetts, "Regional Interests and Policy in a Federal Structure" in J. Peter Meekison (ed.), Canadian Federalism; Myth or Reality? (3d, 1977), pp. 280-291.
5. David Bell, "Regionalism in the Canadian Community" in Paul Fox (ed.), Politics: Canada (4th, 1977), pp. 79-89.
6. Richard Schultz, "Interest Groups and Intergovernmental Negotiations: Caught in the Vise of Federalism" in J. Peter Meekison (ed.), Canadian Federalism; Myth or Reality? (3d, 1977), pp. 375-396.
7. Mark Sproule-Jones, Public Choice and Federalism in Australia and Canada (1975).
8. J.S. Dupre et al., Federalism and Policy Development: The Case of Adult Occupational Training in Ontario (1973).
9. A.E. Safarian, Canadian Federalism and Economic Integration (1974).
10. Anthony G.S. Careless, Initiative and Response (1977).

